

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CITY OF NEW YORK,

**ECF CASE**

Plaintiff,

21 CV 7862 (JPO)

-against-

ROBERT G. LOPEZ,

Defendant.  
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**SUPPLEMENTAL DECLARATION IN SUPPORT OF  
PLAINTIFF'S MOTION FOR A DEFAULT JUDGMENT**

**GERALD E. SINGLETON** declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a Senior Counsel in the Affirmative Litigation Division of the New York City Law Department and am the lead attorney for the Plaintiff City of New York (the "City"). I have personal knowledge of the facts set forth herein and submit this declaration in further support of the City's motion for a default judgment and permanent injunction against Defendant Robert G. :Lopez ("Defendant") pursuant to Rule 55 of the Federal Rules of Civil Procedure.

2. Annexed hereto as Exhibit "H" is a true copy of an **email** that I sent to Defendant on October 12, 2021, with copy of the City's letter motion requesting a briefing schedule and an expedited hearing on the City's motion for a preliminary injunction (ECF Doc. 15).

3. Annexed hereto as Exhibit "I" is a true copy of the Affidavit of Service with respect to the City's letter motion requesting a briefing schedule and expedited hearing on the City's motion for a preliminary injunction, which was filed as ECF Doc. 16.



4. Annexed hereto as Exhibit “J” is a true copy of Defendant’s letter motion requesting a 45-day extension of time in which to file a responsive pleading and other relief, which was filed as ECF Doc. 17.

5. Annexed hereto as Exhibit “K” is a true copy of an **email** that I sent to Defendant on October 14, 2021, with a copy of the letter that I sent to the Court in opposition to Defendant’s request for an extension of time to file a responsive pleading and other relief, which was filed as ECF Doc. 18. Page 2 of the letter notes that the City filed a motion for a preliminary injunction and a letter motion requesting a briefing schedule and an expedited hearing on the motion.

6. Annexed hereto as Exhibit “L” is a true copy of the Affidavit of Service on Defendant by mail of City’s letter to Court in opposition to Defendant’s letter motion for extension of time, which was filed as ECF Doc. 19.

7. Annexed hereto as Exhibit “M” is a true copy of an **email** that I sent to Defendant on November 24, 2021, with a copy of the Court’s Order dated November 3, 2021 (ECF Doc. 20), which Defendant claims that he never received from the Court. Defendant has admitted that he received this email the day before Thanksgiving, but claims that he never opened it or read the attached Order.

8. Annexed hereto collectively as Exhibit “N” are true copies of two photographs of a street light pole that is located on Clinton Street nearby Defendant’s store at 40 Clinton Street, New York, NY 10002. I personally took the photographs and they accurately depict the street pole and the stickers that are affixed to the street pole. The stickers show use of Defendant’s infringing marks as trademarks, including the marks that copy the City’s registered Department of Parks sign trademark, the City’s Sanitation logo trademark, the City’s Department of Transportation logo trademark, and the City’s iconic chunky block letter NYC logo trademark.

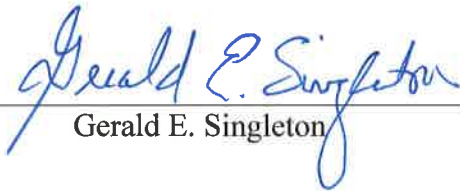


9. Annexed hereto as Exhibit "O" is a true copy of a front and back of a business card used by Defendant to promote his business, which contains copies of the infringing marks that were copied by Defendant from the City's registered trademarks. The copy accurately depicts the business card, but has been enlarged to 120% of its original size for clarity.

10. Annexed hereto collectively as Exhibit "P" are true copies of the front and back of a promotional card that was given to me when I purchased an infringing snap-back hat with Defendant's infringing Department of Cultivation trademark. The copies accurately depict the promotional card and is true to size.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 19, 2022.

  
Gerald E. Singleton